

# United States District Court

SOUTHERN

DISTRICT OF

NEW YORK

Marilyn Darch

## SUMMONS IN A CIVIL CASE

V.

CASE NUMBER:

08 CV 02338

Novartis Pharmaceuticals Corporation

TO: (Name and address of defendant)

Novartis Pharmaceuticals Corporation  
One Health Plaza  
East Hanover, New Jersey 07936-1080

**YOU ARE HEREBY SUMMONED** and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

Beatie and Osborn LLP  
521 Fifth Avenue, 34th Floor  
New York, New York 10175

an answer to the complaint which is herewith served upon you, within twenty days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

**J. MICHAEL McMAHON**

CLERK

MAR 06 2008

DATE

(BY) DEPUTY CLERK



**MARILYN DARCH**  
- against -  
**NOVARTIS PHARMACEUTICALS CORP.**

Petitioner(s)  
Plaintiff(s)  
Respondent(s)  
Defendant(s)

**AFFIDAVIT  
OF SERVICE**

INDEX#  
08 CV 02338

STATE OF: NEW JERSEY - COUNTY OF: UNION ss:

PASCAL KUVALAKIS, being duly sworn deposes and says deponent is not a party to this action, is over the age of 18 and resides in XJ.  
That on date/time: 03/11/2008 03:30PM, at ONE HEALTH PLAZA EAST HANOVER TWP. NJ 07936  
Deponent served the within: SUMMONS AND COMPLAINT

☐ Summons, Spanish summons & complaint, the language required by NRCRR 2900.2(e), (f) & (h) was set forth on the face of the summons(es)

On: NOVARTIS PHARMACEUTICALS CORP.

☐ Defendant ☐ Respondent ☐ Witness (hereinafter called the recipient) therein named.

**INDIVIDUAL**  
A ☐ By personally delivering to and leaving with said NOVARTIS PHARMACEUTICALS CORP.  
and that he knew the person so served to be the person mention and described in said SUMMONS AND COMPLAINT

**CORPORATION**  
B ☒ By delivering to and leaving with JILL ANDERSEN ESQ.  
at ONE HEALTH PLAZA EAST HANOVER TWP. NJ 07936  
and that he knew the person so served to be the ATTORNEY of the corporation.

**SUITABLE  
AGE PERSON**  
C ☐ Service was made in the following manner after your deponent was unable with due diligence to serve the defendant in person:  
By delivering a true copy thereof to and leaving with \_\_\_\_\_  
a person of suitable age and discretion at \_\_\_\_\_  
the said premises being the recipient's ☐ Dwelling/Usual place of abode ☒ Actual place of business within the State of New York.

**AFFIXING TO  
DOOR, ETC.**  
D ☐ By affixing a true copy thereof to the door of said premises, the same being the recipient's  
☐ Dwelling/Usual place of abode ☒ Actual place of business within the State of New York. Deponent had previously attempted to serve  
the above named recipient on/at: 1. \_\_\_\_\_ 2. \_\_\_\_\_ 3. \_\_\_\_\_  
Deponent spoke with \_\_\_\_\_ who stated to deponent that the said recipient(s)  
lived at the aforementioned address, but did not know recipient's place of employment.

**MAILING TO  
RESIDENCE**  
E1 ☐ Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a postpaid envelope properly addressed to recipient  
to recipient's last known residence at \_\_\_\_\_  
and deposited said envelope in an official repository under the exclusive care and custody of the US Postal Service  
within New York State on 03/11/2008.

**MAILING TO  
BUSINESS**  
E2 ☐ Within 20 days of such delivery or affixing, deponent enclosed a copy of same in a postpaid envelope properly addressed to recipient  
to recipient's actual place of business at \_\_\_\_\_  
in an official repository under the exclusive care an custody of the US Postal Service within New York State. The envelope bore the  
legend "Personal and Confidential" and did not indicate on the outside thereof, by return address or otherwise, that the communication  
was from an attorney or concerned an action against the recipient and mailed on 03/11/2008.

F ☒ DEPONENT STATES THAT THE INDEX # AND FILING DATE WERE CLEARLY VISIBLE ON THE SUMMONS.  
DESCRIPTION OF THE RECIPIENT OR OTHER PERSON SERVED OR SPOKEN TO ON BEHALF OF THE RECIPIENT IS AS:

|   |  |  |   |                                     |  |   |  |
|---|--|--|---|-------------------------------------|--|---|--|
| <b>VOID WITHOUT<br/>DESCRIPTION</b><br>Use with A,B,C,D | <input type="checkbox"/> Male              | <input checked="" type="checkbox"/> White Skin | <input type="checkbox"/> Black Hair             | <input type="checkbox"/> White Hair | <input type="checkbox"/> 14 - 20 Yrs.            | <input type="checkbox"/> Under 5'               | <input type="checkbox"/> Under 100 Lbs.            |
|   | <input checked="" type="checkbox"/> Female | <input type="checkbox"/> Black Skin            | <input type="checkbox"/> Brown Hair             | <input type="checkbox"/> Balding    | <input type="checkbox"/> 21 - 35 Yrs.            | <input type="checkbox"/> 5'0" - 5'3"            | <input type="checkbox"/> 100 - 130 Lbs.            |
|   |  | <input type="checkbox"/> Yellow Skin           | <input checked="" type="checkbox"/> Blonde Hair | <input type="checkbox"/> Moustache  | <input checked="" type="checkbox"/> 36 - 50 Yrs. | <input type="checkbox"/> 5'4" - 5'8"            | <input type="checkbox"/> 131 - 160 Lbs.            |
|   |  | <input type="checkbox"/> Brown Skin            | <input type="checkbox"/> Gray Hair              | <input type="checkbox"/> Beard      | <input type="checkbox"/> 51 - 65 Yrs.            | <input checked="" type="checkbox"/> 5'9" - 6'0" | <input checked="" type="checkbox"/> 161 - 200 Lbs. |
|   |  | <input type="checkbox"/> Red Skin              | <input type="checkbox"/> Red Hair               | <input type="checkbox"/> Glasses    | <input type="checkbox"/> Over 65 Yrs.            | <input type="checkbox"/> Over 6'                | <input type="checkbox"/> Over 200 Lbs.             |

Other identifying features: \_\_\_\_\_

**WITNESS FEE**  
G ☐ Witness fee of \$0 the authorizing traveling expenses and one day's witness fee:  
☐ was paid (tendered) to the recipient ☐ was mailed to the witness with subpoena copy.

**MILITARY  
SERVICE**  
[X] I asked the person spoken to whether defendant was in active military service of the United States or of the state of New York in any  
capacity whatsoever and received a negative reply. *Defendant wore civilian clothes and no military uniform.* The source of my  
information and the grounds of my belief are the conversations and observations above narrated.

Subscribed and Sworn to me this

12 day of March, 2008

Notary Signature:

JACKIE GONZALEZ

Name of Notary NOTARY PUBLIC - NEW JERSEY Commission Expiration

My Commission Expires Dec. 7, 2010

I, PASCAL KUVALAKIS,  
was at the time of service a competent adult  
not having a direct interest in the litigation.  
I declare under penalty of perjury that the  
foregoing is true and correct.

Signature of Process Server

3/12/2008

Date

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